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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
FRANCIS PETIT et al
Serial No.: 554,772
Filed: May 16, 2000
For: USE OF...ATHEROSCLEROSIS

: E. Ghashghaee
:
: Group: 1656
:
:

600 Third Avenue
New York N.Y. 10016
August 2, 2001

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the office action of July 3, 2001, Applicants request reconsideration of the application in view of the remarks presented herein.

The claims in the application are claims 3 to 6 and 8 to 10, all other claims having been cancelled.

Claims 3 to 6 and 8 to 10 were rejected under 35 USC 103 as being obvious over the EP '967 reference taken in view of the

Examiner states that the primary reference discloses ketolide compositions and their preparation and concedes that the same does not teach preventing arterial thrombotic associated with atherosclerosis in warm-blooded animals. The '467 patent is cited to show the disclosure of ketolide compounds and its derivatives and their use as pharmaceutical drugs for combatting infections in warm-blooded animals, including humans and the Examiner concedes

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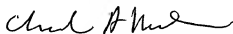
that this does not teach treating arterial thrombotic specifically. The Shore et al patent allegedly shows treating arterial chlamydial granuloma with the use of anti-Chlamydia pneumoniae agents and a granuloma inhibitor. The Examiner believes it would be obvious to combine the compositions of the primary reference with the method of the secondary references to teach Applicant's treatment.

Applicant vigorously traverses this ground of rejection since none of the references would suggest to one skilled in the art Applicant's novel method of treating arterial thrombotic complications associated with atherosclerosis in warm-blooded animals by the administration of Applicant's ketolides. While the ketolides may be old, none of the references teach Applicant's claimed method of use. Therefore, the combination of the prior art does not render obvious Applicant's method. The Shore et al patent is directed to diagnosing arterial chlamydial granuloma by detecting in a biological sample both a first marker associated with the Chlamydia pneumoniae and a second marker associated with arterial granuloma. This has absolutely nothing to do with Applicant's ketolides nor Applicant's claimed method and one skilled in the art would not combine the ketolides having anti-bacterial properties to obtain Applicant's novel method. Therefore, withdrawal of this ground of rejection is requested.

In view of the above remarks, it is believed that the claims clearly point out Applicant's patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:



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Encl.: Return receipt postcard